

C12.6	Amendment to the Pittwater Local Environmental Plan (LEP) 2014 (Planning Proposal)
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Meeting: Sustainable Towns & Villages Committee

Date: 15 February 2016

COMMITTEE RECOMMENDATION

1. That Council withdraw the current Gateway Determination request forwarded to the Department of Planning and Environment (DP&E) on 26 May 2015.
2. That Council endorse the amended Planning Proposal for forwarding to the Department of Planning and Environment (DP&E) with a request for a Gateway Determination to certify the commencement of a public exhibition period to amend the Pittwater Local Environmental Plan (LEP) 2014.
3. That Council endorse to make a request to the Department of Planning and Environment (DP&E) that Council's delegate (the General Manager) exercise delegation to finalise the proposed amendments to the Pittwater LEP 2014.

(Cr White / Cr Ferguson)



SUBJECT: Amendment to the Pittwater Local Environmental Plan (LEP) 2014 (Planning Proposal)

Meeting: Sustainable Towns & Villages Committee

Date: 15 February 2016

COMMUNITY STRATEGIC PLAN STRATEGY: Land Use & Development

COMMUNITY STRATEGIC PLAN OBJECTIVE:

- To establish land uses that respond to environmental, cultural, social and economic needs in a sustainable manner

DELIVERY PROGRAM ACTION:

- Prepare new Standard Instrument LEP
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1.0 EXECUTIVE SUMMARY

On 27 June 2014, the Pittwater Local Environmental Plan (LEP) 2014 came into effect.

The Pittwater LEP 2014 was intended as a translation of the provisions of the Pittwater LEP 1993 into the NSW Government's *Standard Instrument—Principal Local Environmental Plan*.

On 21 July 2014, Council was informed that following a thorough review of the Pittwater LEP 2014 after it was made, it was evident that a number of changes had been introduced in the period between Council adopting the draft Pittwater LEP on 20 December 2013 and the Pittwater LEP 2014 being made by the Department of Planning and Parliamentary Counsel.

In order to rectify some of the changes introduced, Council was subsequently informed of four expedited amendments that had been initiated to the Pittwater LEP 2014 (under Section 73A of the Environmental Planning & Assessment Act 1979 (EP&A Act)) to remedy minor errors following changes made by the State Government.

A Planning Proposal (Attachment 1) was also subsequently prepared to address some of the more substantial changes made to the Pittwater LEP 2014 by the State Government, as well as to address other 'house-keeping' matters that have been identified since the LEP came into effect.

On 18 May 2015, the Planning Proposal was submitted to Council for consideration, with a recommendation:

1. That Council endorse the Planning Proposal at Attachment 1 for forwarding to the Department of Planning & Environment (DP&E) with a request for a Gateway Determination to certify the commencement of a public exhibition to amend the Pittwater Local Environmental Plan (LEP) 2014.
2. That Council endorse making a request to the DP&E that Council's delegate (the General Manager) exercise delegation to finalise the proposed amendments to the Pittwater LEP 2014.

Council resolved to adopt the recommendation and subsequently a request for a Gateway Determination was forwarded to DP&E on 26 May 2015. DP&E have not issued a Gateway Determination, citing a number of unresolved matters in the Planning Proposal. Negotiations between Council and DP&E have subsequently occurred and all outstanding concerns have been resolved to the Departments satisfaction.

The Amendment items of concern include:

- Amendment Item 1, clause 4.1 (Minimum subdivision lot size) subclause (3A) clarification relating to the calculation of lot size area for battle-axe lots.
- Amendment Item 2, clause 4.1 (Minimum subdivision lot size) inclusion of additional subclause to permit subdivision of land identified in "Area 1" on Lot Size Map is less than the minimum subdivision lot size if the resultant lot is associated with the subdivision of land within an Urban Release Area.
- Amendment Item 4, clause 4.3 (Height of buildings) inclusion of additional subclauses relating to height of secondary dwelling or rural worker's dwelling and dual occupancy.
- Amendment Item 5, clause 4.3 (Height of buildings) by adding an additional subclause to clarify the maximum height of development over the waterway.
- Amendment Item 6, Amend Height of Buildings Map – Sheet HOB_012 in relation to 14 Orchard Street, Warriewood.
- Amendment Item 11, insert additional objectives for zones RU2, R2, R3, R5, E3, E4 and B1

The outcome of the negotiations resulted in a number of amendments to the formally endorsed Planning Proposal submitted for a Gateway Determination. The changes are significant and result in a substantially different Planning Proposal. Given the scope of the changes the Department has requested Council amend the Planning Proposal, in-line with their advice, and formally withdraw the current Gateway Determination request.

A revised Planning Proposal (Attachment 2) has been prepared incorporating the changes required by DP&E.

Required changes include:

- Amendment Item 1, clause 4.1 (Minimum subdivision lot size) subclause (3A) – to be removed;
- Amendment Item 2, clause 4.1 (Minimum subdivision lot size) inclusion of additional subclause – to be removed and replaced by mapping changes to the Lot Size Map map number LSZ_012;
- Amendment Item 4, clause 4.3 (Height of buildings) – additional justification required.
- Amendment Item 5, clause 4.3 (Height of buildings) by adding an additional subclause to clarify the maximum height of development over the waterway – to be removed.
- Amendment Item 6, Amend Height of Buildings Map – additional justification required.

- Amendment Item 11, insert additional objectives for zones RU2, R2, R3, R5, E3, E4 and B1 – to be removed;

Should Council endorse the recommendation contained in this report, a request will be forwarded to DP&E seeking to formally withdraw the Gateway Determination request forwarded to DP&E on 26 May 2015 and seek a Gateway Determination to certify the commencement of a statutory public exhibition for the amended Planning Proposal (Attachment 2).

Any submissions received as a result of the public exhibition period would be reviewed and considered before presenting the outcome to Council.

It is recommended that a request be sought for Council's delegate (the General Manager) to exercise delegation to finalise the proposed amendments to the Pittwater LEP 2014.

2.0 RECOMMENDATION

1. *That Council withdrawal the current Gateway Determination request forwarded to the Department of Planning and Environment (DP&E) on 26 May 2015.*
2. *That Council endorse the amended Planning Proposal at Attachment 2 for forwarding to the Department of Planning and Environment (DP&E) with a request for a Gateway Determination to certify the commencement of a public exhibition period to amend the Pittwater Local Environmental Plan (LEP) 2014.*
3. *That Council endorse to make a request to the Department of Planning and Environment (DP&E) that Council's delegate (the General Manager) exercise delegation to finalise the proposed amendments to the Pittwater LEP 2014.*

3.0 BACKGROUND

3.1 PURPOSE

The purpose of this report is:

- To seek Council's endorsement to withdraw the current Gateway Determination request forwarded to the Department of Planning and Environment (DP&E) on 26 May 2015.
- To seek Council's endorsement of the amended Planning Proposal (**Attachment 2**) for forwarding to DP&E with a request for a Gateway Determination to certify the commencement of a public exhibition to amend Pittwater LEP 2014.
- To seek Council's endorsement to request to the DP&E that Council's delegate (the General Manager) exercise delegation to finalise the proposed amendments to the Pittwater LEP 2014.

3.2 BACKGROUND

On 27 June 2014, the Pittwater LEP 2014 came into effect.

The Pittwater LEP 2014 was intended as a translation of the provisions of the Pittwater LEP 1993 into the NSW Government's *Standard Instrument—Principal Local Environmental Plan*.

On 21 July 2014, Council was informed that following a thorough review of the Pittwater LEP 2014 after it was made, it was evident that a number of changes had been introduced in the period between Council adopting the draft Pittwater LEP on 20 December 2013 and the Pittwater LEP 2014 being made by the Department of Planning and Environment and Parliamentary Counsel.

In order to rectify some of the changes introduced, Council was subsequently informed of four expedited amendments that had been initiated to the Pittwater LEP 2014 (under Section 73A of the Environmental Planning & Assessment Act 1979 (EP&A Act)) to remedy minor errors following changes made by the Department of Planning and Environment and Parliamentary Counsel.

Council was also informed of other key changes that had been made to the Pittwater LEP 2014 and that a 'house-keeping' amendment would be undertaken to rectify such changes.

3.3 POLICY IMPLICATIONS

Nil.

3.4 RELATED LEGISLATION

Should Council endorse the recommendation contained in this report, the Pittwater LEP 2014 will be amended in accordance with the amended Planning Proposal at Attachment 2, which has been amended as a consequence of negotiations with DP&E during the initial Gateway Determination request and dependent on the outcome of the public exhibition of the Planning Proposal.

3.5 FINANCIAL ISSUES

3.5.1 Budget

Preparation and management of the Planning Proposal process can be accommodated within current budgetary allocations.

3.5.2 Resources Implications

Work associated with the Planning Proposal can be accommodated within current staffing levels.

4.0 KEY ISSUES

4.1 Meetings with the Hon. Robert Stokes MP and staff from the DP&E

On 15 July 2014, a meeting was held with the Hon. Robert Stokes MP (then Minister for the Environment, Minister for Heritage, Minister for the Central Coast, and Assistant Minister for Planning), DP&E staff, the Mayor, Councillor Ferguson, Councillor Young, the General Manager and Council staff to discuss issues with some of the changes made to the Pittwater LEP 2014.

The meeting was productive and DP&E staff advised that a letter to Council, clarifying some of the changes made to the Pittwater LEP 2014 during the process of finalising the Plan, would be forthcoming.

Council received such correspondence from the DP&E on 27 August 2014. The correspondence also suggested that a meeting be arranged with staff from Council and the DP&E to further progress the issues.

Council responded to the DP&E correspondence on 3 October 2014 to outline the amendments proposed to the Pittwater LEP 2014 and the preferred approach to making each amendment.

Council's letter was the basis for discussion at the meeting held with staff from Council and the DP&E on 8 October 2014. A forward path was established for each matter addressed in the letter. Confirmation of this was received from the DP&E on 24 November 2014. A number of the amendments proposed in the subject Planning Proposal (Attachment 1) are as discussed and agreed with DP&E at this meeting.

4.2 Original Planning Proposal

As outlined above, in making the Pittwater LEP 2014, the Department of Planning and Environment and Parliamentary Counsel made a number of changes to the plan adopted by Council on 20 December 2013. The policy implication of these changes was reviewed and it was considered necessary to rectify a number of the changes made.

Additionally, since the Pittwater LEP 2014 has been in effect, some 'house-keeping' matters were identified and subsequent amendments were proposed to improve the accuracy and the effective operation of the Plan.

A Planning Proposal (refer **Attachment 1**) was prepared to address some of the changes made to the Pittwater LEP 2014, as well as the 'house-keeping' matters that have been identified.

The proposed amendments included:

- Rectify anomalies and discrepancies, and improve the clarity of the written instrument and maps.
- Implement or amend provisions consistent with the draft Pittwater LEP as publicly exhibited and/or adopted by Council, where certain provisions were altered or not included when the plan was made.
- Make other minor amendments relating to individual sites.

The table below provides a summary of the amendments that were proposed as part of the original planning proposal.

No.	Proposed Amendment	Description
1	Amend clause 4.1 (Minimum subdivision lot size) subclause (3A)	To clarify what is not included in the calculation of the lot size of a battle-axe block or a lot with access to a road by an access corridor (e.g. a right of carriageway).
2	Amend clause 4.1 (Minimum subdivision lot size)	To rectify an anomaly by adding an exception to the minimum lot size control for land zoned RU2, where part of the land is also within the Warriewood Valley Urban Release Area.
3	Amend clause 4.3 (Height of buildings) subclause (2F)	To clarify where development must not exceed 8.5 metres in height in the Warriewood Valley Urban Release Area. The amendment will ensure that the 8.5 metre height requirement only applies to development fronting particular streets in the Warriewood Valley Urban Release Area

No.	Proposed Amendment	Description
4	Amend clause 4.3 (Height of buildings)	To clarify that secondary dwellings, rural worker's dwellings and the second dwelling within a dual occupancy (detached) should be single storey in appearance, consistent with the Pittwater 21 DCP prior to the Pittwater LEP 2014 being made.
5	Amend clause 4.3 (Height of buildings)	To clarify the maximum height of development over the waterway
6	Amend the Height of Buildings Map Grid Map 012 in relation to 14 Orchard Street, Warriewood (Sector 901F)	To rectify an error on the Height of Buildings Map in relation to Sector 901F of the Warriewood Valley Urban Release Area.
7	Amend clause 6.1(1)(c)	To remove an objective that is no longer relevant.
8	Amend Schedule 1 subclause 19	To rectify an error in the Pittwater LEP 2014 that relates to the boundary of an area associated with an additional permitted use that is currently in operation and was permitted under the Pittwater LEP 1993.
9	Amend the Land Zoning Map so the portion of 167 Mona Vale Road, Ingleside currently zoned SP2 Infrastructure "Classified Road" is instead zoned RU2 Rural Landscape consistent with the remainder of the allotment	To rectify an anomaly.
10	Amend the Height of Buildings Map Grid Maps 013 and 017	The proposed amendment is intended to provide improved readability of the Height of Buildings Map and consistency with approved masterplans in relation to the Elanora and Newport commercial centres.

No.	Proposed Amendment	Description
11	Insert the following objectives into the following zones: RU2 Rural Landscape - To ensure that development is integrated with the immediate and surrounding landform, natural landscape and bushland setting to achieve the desired character of the locality. R2 Low Density Residential - To ensure that development is integrated with the immediate and surrounding landform and landscape to achieve the desired character of the locality. R3 Medium Density Residential - To ensure that development is integrated with the immediate and surrounding landform and landscape to achieve the desired character of the locality.	To reinstate zone objectives that ensure development in certain zones is consistent with the desired character of the locality.

No.	Proposed Amendment	Description
	Zone R5 Large Lot Residential - To ensure that development is integrated with the immediate and surrounding landform, natural landscape and bushland setting to achieve the desired character of the locality. Zone E3 Environmental Management - To ensure that development is integrated with the immediate and surrounding landform and landscape to achieve the desired character of the locality. Zone E4 Environmental Living - To ensure that development is integrated with the immediate and surrounding landform and landscape to achieve the desired character of the locality. Zone B1 Neighbourhood Centre To ensure that the scale of development is compatible with the surrounding built and natural environment	
12	Amend Clause 7.8 (Limited development on foreshore area) subclause (2) to remove reference to 'extension' and 'alteration'	To remove the ability to undertake extensions and alterations to buildings in the foreshore area, which is generally consistent with the intention of the draft Pittwater LEP that was publicly exhibited and adopted by Council on 20 December 2013.
13	Amend Schedule 1 by adding the following subclause: 24. Use of certain land in Zone SP2 Infrastructure "Classified Road"	The proposed amendment would permit 'access structures ancillary to a dwelling house' on privately-owned land zoned SP2 Infrastructure "Classified Road".

No.	Proposed Amendment	Description
	(1) This clause applies to land identified as "Area 24" on the Additional Permitted Uses Map. (2) Development for the purposes of access structures associated with a dwelling house is permitted with development consent. Amend the Additional Permitted Uses Map to include "Area 24".	
14	Amend the Land Zoning Map for 6A Macpherson Street, Warriewood (Lot 6 DP 1161389) from R3 Medium Density Residential to RE1 Public Recreation	The amendment is required as the land has been dedicated to Council and forms part of the creek line corridor
15	Remove 67A Marine Parade, Avalon Beach (Lot 2 DP 1205310) from the Land Reservation Acquisition Map	The proposed amendment is required as the land has been acquired.

The amendments as proposed in the initial Planning Proposal were generally consistent with the version of the draft Pittwater LEP adopted by Council on 20 December 2013, Council policies, the Pittwater LEP 1993 and/or provisions within the Pittwater 21 Development Control Plan (DCP) that were in place prior to the commencement of the Pittwater LEP 2014.

On 18 May 2015, the Planning Proposal was submitted to Council for consideration, with a recommendation:

1. That Council endorse the Planning Proposal at Attachment 1 for forwarding to the Department of Planning & Environment (DP&E) with a request for a Gateway Determination to certify the commencement of a public exhibition to amend the Pittwater Local Environmental Plan (LEP) 2014.
2. That Council endorse making a request to the DP&E that Council's delegate (the General Manager) exercise delegation to finalise the proposed amendments to the Pittwater LEP 2014.

Council resolved to adopt the recommendation and subsequently a request for a Gateway Determination was forwarded to DP&E on 26 May 2015.

However, the DP&E have not issued a Gateway Determination, due to a number of unresolved matters in the Planning Proposal. Negotiations between Council and DP&E have occurred, additional justification provided and DP&E have requested a number of changes be made to the Planning Proposal.

The outcome of the negotiations resulted in a number of amendments to the formally endorsed Planning Proposal submitted for a Gateway Determination. The changes are meaningful and result in a substantially different Planning Proposal to which was originally submitted. Given the scope of the changes the Department has requested Council amend the Planning Proposal and formally withdraw the current Gateway Determination request.

4.3 Revised Planning Proposal

A revised Planning Proposal (Attachment 2) has been prepared incorporating the changes required by DP&E and Parliamentary Counsel.

Generally DP&E and Parliamentary Counsel don't support the following:

- Amendment Item 1, clause 4.1 (Minimum subdivision lot size) subclause (3A) – to be removed (Parliamentary Counsel advise DP&E they will not support the proposed amendment);
- Amendment Item 2, clause 4.1 (Minimum subdivision lot size) inclusion of additional subclause – to be removed and replaced by mapping changes to the Lot Size Map-Sheet LSZ_012 (Amending the LEP map will achieve the same outcome without altering the format and wording of the Standard Instrument Clause, ensuring the integrity of the Standard Instrument (Local Environmental Plans) Order);
- Amendment Item 5, clause 4.3 (Height of buildings) by adding an additional subclause to clarify the maximum height of development over the waterway – to be removed (The recently exhibited Standard Instrument (Local Environmental Plans) Amendment Order 2015 will address this issue from a state wide perspective)
- Amendment Item 11, insert additional objectives for zones RU2, R2, R3, R5, E3, E4 and B1 – to be removed (Parliamentary Counsel advise DP&E they will not support the proposed amendment);

All amendments including supported and not supported are outlined below:

No.	Proposed Amendment	Description	Amendment	Justification
1	Amend clause 4.1 (Minimum subdivision lot size) subclause (3A)	To clarify what is not included in the calculation of the lot size of a battle-axe block or a lot with access to a road by an access corridor (e.g. a right of carriageway).	Deleted	DP&E confirm proposed amendment to wording of standard instrument clause is not supported.

No.	Proposed Amendment	Description	Amendment	Justification
2	Amend clause 4.1 (Minimum subdivision lot size)	To rectify an anomaly by adding an exception to the minimum lot size control for land zoned RU2, where part of the land is also within the Warriewood Valley Urban Release Area.	Remove written exception as described and replace with mapping changes to Lot Size Map-Sheet LSZ_012. Subsequently amend map legend for all Lot Size Map Sheets (LSZ_005 to LSZ_019)	DP&E confirm proposed amendment to wording of standard instrument clause is not supported; however the objective of the proposed amendment can be achieved via a mapping amendment.
3	Amend clause 4.3 (Height of buildings) subclause (2F)	To clarify where development must not exceed 8.5 metres in height in the Warriewood Valley Urban Release Area. The amendment will ensure that the 8.5 metre height requirement only applies to development fronting particular streets in the Warriewood Valley Urban Release Area	Additional justification provided to support Council's position. No changes	Amendment supported by DP&E, subject to the provision of additional justification, no changes required.
4	Amend clause 4.3 (Height of buildings)	To clarify that secondary dwellings, rural worker's dwellings and the second dwelling within a dual occupancy (detached) should be single storey in appearance, consistent with the Pittwater 21 DCP prior to the Pittwater LEP 2014 being made.	Additional justification provided to support Council's position. No change	Amendment supported by DP&E, subject to the provision of additional justification, no changes required.
5	Amend clause 4.3 (Height of buildings)	To clarify the maximum height of development over the waterway	deleted	DP&E confirm proposed amendment not supported as the draft Standard Instrument (Local Environmental Plans) Amendment Order 2015 will address the issue from a Statewide perspective.

No.	Proposed Amendment	Description	Amendment	Justification
6	Amend the Height of Buildings Map Grid Map 012 in relation to 14 Orchard Street, Warriewood (Sector 901F)	To rectify an error on the Height of Buildings Map in relation to Sector 901F of the Warriewood Valley Urban Release Area.	Additional justification provided to support Council's position. No change	Amendment supported by DP&E, subject to the provision of additional justification, no changes required.
7	Amend clause 6.1(1)(c)	To remove an objective that is no longer relevant.	No change	Amendment supported by DP&E no changes required.
8	Amend Schedule 1 subclause 19	To rectify an error in the Pittwater LEP 2014 that relates to the boundary of an area associated with an additional permitted use that is currently in operation and was permitted under the Pittwater LEP 1993.	No change	Amendment supported by DP&E no changes required.
9	Amend the Land Zoning Map so the portion of 167 Mona Vale Road, Ingleside currently zoned SP2 Infrastructure "Classified Road" is instead zoned RU2 Rural Landscape consistent with the remainder of the allotment	To rectify an anomaly.	No change	Amendment supported by DP&E with agency consultation no changes required.
10	Amend the Height of Buildings Map Grid Maps 013 and 017	The proposed amendment is intended to provide improved readability of the Height of Buildings Map and consistency with approved masterplans in relation to the Elanora and Newport commercial centres.	No change	Amendment supported by DP&E, subject to the provision of additional justification, no changes required.

No.	Proposed Amendment	Description	Amendment	Justification
11	Insert the following objectives into the following zones: RU2 Rural Landscape - To ensure that development is integrated with the immediate and surrounding landform, natural landscape and bushland setting to achieve the desired character of the locality. R2 Low Density Residential - To ensure that development is integrated with the immediate and surrounding landform and landscape to achieve the desired character of the locality. R3 Medium Density Residential - To ensure that development is integrated with the immediate and surrounding landform and landscape to achieve the desired character of the locality. Zone R5 Large Lot Residential - To ensure that development is integrated with the immediate and surrounding landform, natural landscape and bushland setting to achieve the desired character of the locality.	To reinstate zone objectives that ensure development in certain zones is consistent with the desired character of the locality.	Deleted	DP&E confirm proposed amendment to wording of standard instrument objectives is not supported.

	Zone E3 Environmental Management - To ensure that development is integrated with the immediate and surrounding landform and landscape to achieve the desired character of the locality. Zone E4 Environmental Living - To ensure that development is integrated with the immediate and surrounding landform and landscape to achieve the desired character of the • Zone B1 Neighbourhood Centre. - To ensure that the scale of development is compatible with the surrounding built and natural environment			
12	Amend Clause 7.8 (Limited development on foreshore area) subclause (2) to remove reference to 'extension' and 'alteration' as follows: (2) Development consent must not be granted for development on land in the foreshore area except for the following purposes: (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,	To remove the ability to undertake extensions and alterations to buildings in the foreshore area, which is generally consistent with the intention of the draft Pittwater LEP that was publicly exhibited and adopted by Council on 20 December 2013.	Clause amended as follows: (2) Development consent must not be granted for development on land in the foreshore area except for the following purposes: (a) the alteration, extension or rebuilding of an existing dwelling wholly or partly on the foreshore area if the footprint of the extension or alteration will not extend any further forward of the foreshore building line than the footprint of the existing dwelling,	Amendment incorporating new clause is supported by DP&E.

13	Amend Schedule 1 by adding the following subclause: 24. Use of certain land in Zone SP2 Infrastructure "Classified Road"	The proposed amendment would permit 'access structures ancillary to a dwelling house' on privately-owned land zoned SP2 Infrastructure "Classified Road".	No change	Amendment supported by DP&E with agency consultation no changes required.
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	(3) This clause applies to land identified as "Area 24" on the Additional Permitted Uses Map. (4) Development for the purposes of access structures associated with a dwelling house is permitted with development consent. Amend the Additional Permitted Uses Map to include "Area 24".			
14	Amend the Land Zoning Map for 6A Macpherson Street, Warriewood (Lot 6 DP 1161389) from R3 Medium Density Residential to RE1 Public Recreation	The amendment is required as the land has been dedicated to Council and forms part of the creek line corridor	No change	Amendment supported by DP&E no changes required.
15	Remove 67A Marine Parade, Avalon Beach (Lot 2 DP 1205310) from the Land Reservation Acquisition Map	The proposed amendment is required as the land has been acquired.	No change	Amendment supported by DP&E no changes required.

It is recommended that Council continues to advocate for Council's delegate (the General Manager) to exercise delegation to finalise the proposed amendments to the Pittwater LEP 2014.

4.4 Statutory public exhibition

Should Council endorse the recommendation contained in this report, the amended Planning Proposal (**Attachment 2**) will be forwarded to the Greater Sydney Commission with a request for a Gateway Determination to certify the commencement of a statutory public exhibition.

Community consultation will be undertaken in accordance with Section 57 of the EP&A Act and the requirements of 'A guide to preparing local environmental plans' (Department of Planning & Infrastructure, 2013).

As part of the statutory public exhibition of the Planning Proposal (**Attachment 2**), the following is proposed to be undertaken:

- A 28-day public exhibition period
- Notification in writing to landowners directly affected by site specific amendments, registered Pittwater community groups and Chambers of Commerce, and relevant public authorities and State agencies at the commencement of the public exhibition period.
- Notification in the Manly Daily at the commencement of the public exhibition period
- Relevant documentation available at Council's Customer Service Centres and libraries for the duration of the public exhibition period
- Relevant documentation on Council's website for the duration of the public exhibition period
- Council staff will be available to respond to any enquiries

As previously outlined, in the Council report dated 18 May 2015, The Planning Proposal predominately include changes to broad scale controls that are applicable to a large number of properties e.g. the foreshore area. As such it is not intended to display any notification signs, however all property owners directly affected by site specific amendments will be notified in writing.

Any submissions received as a result of the public exhibition period will be reviewed and considered before presenting the outcome to Council.

If, following the public exhibition, the recommendation to Council is to progress the Planning Proposal and Council supports the recommendation, Council's delegate (the General Manager) would exercise delegation to finalise the proposed amendments to the Pittwater LEP 2014.

5.0 ATTACHMENTS / TABLED DOCUMENTS

- Endorsed Planning Proposal to amend the Pittwater LEP 2014 (**Attachment 1**)
- Amended Planning Proposal, as a consequence of negotiations with the Department of Planning and Environment, to amend the Pittwater LEP 2014 (**Attachment 2**)

6.0 SUSTAINABILITY ASSESSMENT

6.1 GOVERNANCE & RISK

6.1.1 Community Engagement

Community engagement will be undertaken in accordance with Section 57 of the EP&A Act and the requirements of '*A guide to preparing local environmental plans*' (Department of Planning & Infrastructure, 2013). See 'Statutory public exhibition' in Section 4.0 of this report for details.

6.1.2 Risk Management

The subject Planning Proposal (**Attachment 2**) stems from the process of undertaking a 'like for like' approach to preparing the Pittwater LEP 2014, or a translation of the previous LEP – the Pittwater LEP 1993.

The process to amend the Pittwater LEP 2014 will be undertaken in accordance with the legislative requirements of the EP&A Act.

6.2 ENVIRONMENT

6.2.1 Environmental Impact

As the subject Planning Proposal (**Attachment 2**) stems from the process of undertaking a 'like for like' approach to preparing the Pittwater LEP 2014, or a translation of the previous LEP – the Pittwater LEP 1993, it will not affect flora and fauna, nor levels of pollution (air, noise, water, soils etc.).

6.2.2 Mitigation Measures

As the subject Planning Proposal (**Attachment 2**) stems from the process of undertaking a 'like for like' approach to preparing the Pittwater LEP 2014, or a translation of the previous LEP – the Pittwater LEP 1993, it will not be affected by climate change impacts, and it will not impact water use and management, energy use and green-house gas emissions, or resource and waste management.

6.3 SOCIAL

6.3.1 Address Community Need & Aspirations

As the subject Planning Proposal (**Attachment 2**) stems from the process of undertaking a 'like for like' approach to preparing the Pittwater LEP 2014, or a translation of the previous LEP – the Pittwater LEP 1993, it will not affect the quality of cultural, community or recreational services available to the community; the health, safety and well-being of residents; the services of our community; or the mobility of residents.

6.3.2 Strengthening local community

As the subject Planning Proposal (**Attachment 2**) stems from the process of undertaking a 'like for like' approach to preparing the Pittwater LEP 2014, or a translation of the previous LEP – the Pittwater LEP 1993, it will not affect the community feeling of connectedness or the liveability of our villages. Further, as it is unrelated, the subject Planning Proposal will not promote education or knowledge generation.

6.4 ECONOMIC

6.4.1 Economic Development

As the subject Planning Proposal (**Attachment 2**) stems from the process of undertaking a 'like for like' approach to preparing the Pittwater LEP 2014, or a translation of the previous LEP – the Pittwater LEP 1993, it will not create or support opportunities for local economic growth as it is unrelated.

Report prepared by
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